

Metropolitan Planning Commission

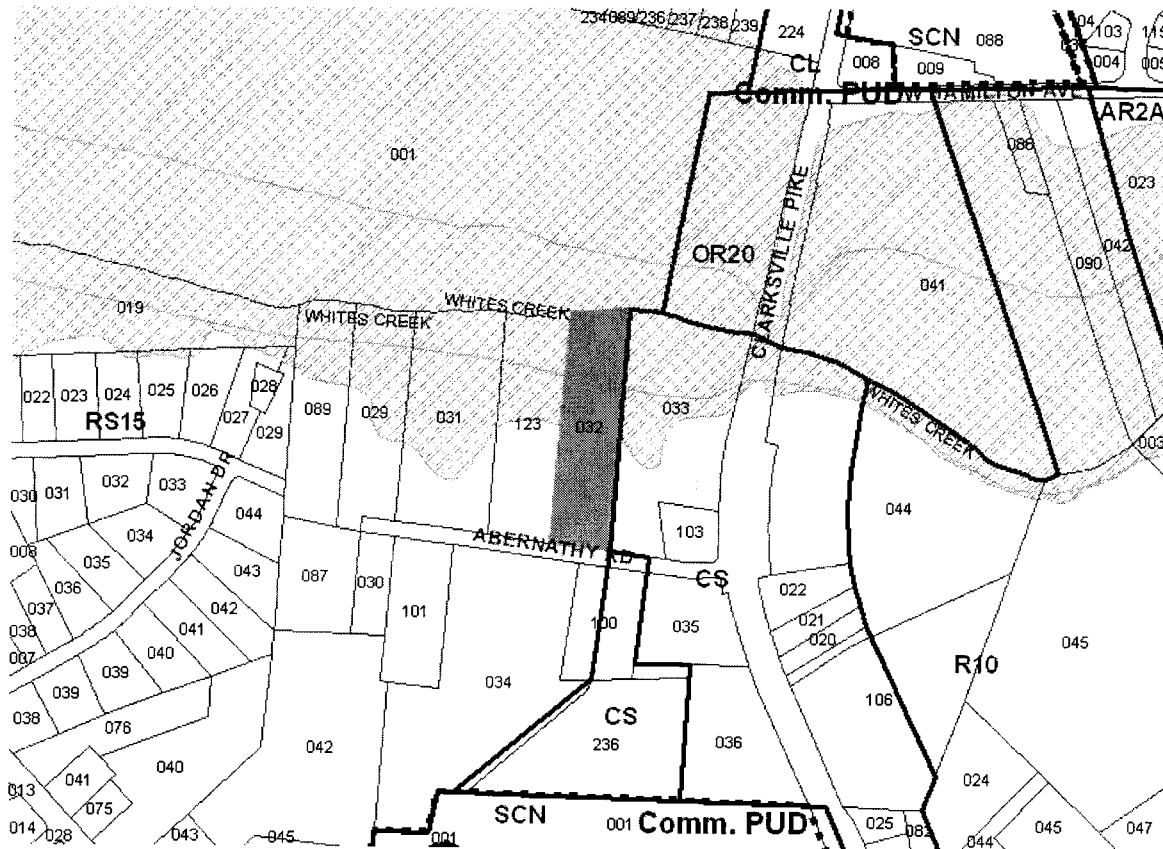


Staff Reports

April 8, 2010

Mission Statement: The Planning Commission is to guide the future growth and development for Nashville and Davidson County to evolve into a more socially, economically and environmentally sustainable community with a commitment to preservation of important assets, efficient use of public infrastructure, distinctive and diverse neighborhood character, free and open civic life, and choices in housing and transportation.

ZONING MAP AMENDMENTS



2009Z-042PR-001

Map: 069-00 Parcel: 032

Bordeaux/Whites Creek Community Plan

Council District 2 – Frank R. Harrison



Project No.
Council District
School District
Requested by

2009Z-042PR-001
2 - Harrison
1 - Gentry
John Hood, Campbell, McRae & Associates, for Terrell and Byrettia Broady, owners

Staff Reviewer
Staff Recommendation

Johnson
Disapprove

APPLICANT REQUEST

Rezone from RS15 to CS

Zone Change

A request to rezone from Single-Family Residential (RS15) to Commercial Service (CS) district for property located at 3849 Abernathy Road, approximately 330 feet east of Clarksville Pike (3.33 acres)

Existing Zoning
RS15 District

RS15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre. *The RS15 zoning on this site would permit up to eight residential lots.*

Proposed Zoning
CS District

Commercial Service is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

CRITICAL PLANNING GOALS

N/A

BORDEAUX-WHITES CREEK COMMUNITY PLAN

Natural Conservation (NCO)

NCO policy is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. Low intensity community facility development and very low density residential development (not exceeding one dwelling unit per two acres) may be appropriate land uses.

Single-Family Detached in Residential-Low (SFD in RL)

SFD is intended for single family housing that varies based on the size of the lot. Detached houses are single units on a single lot.

RL policy is intended to conserve large areas of established, low density (one to two dwelling units per



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Consistent with Policy?

acre) residential development. The predominant development type is single-family homes.

No. The proposed commercial zoning conflicts with the land use policies on the project site, which promote low-density single-family residential land uses. The current RS15 zoning is more consistent with what the land use policies intend for this site. Although the project site is adjacent to commercially-zoned land along Clarksville Pike, it faces Abernathy Road, which is currently a dead end street developed with low-density single-family dwellings.

The proposed CS zoning in the Natural Conservation policy area (White's Creek floodplain area) is also not consistent with the Bordeaux/White's Creek Community Plan calling for low-intensity development in these NCO areas.

FIRE MARSHAL RECOMMENDATION

No exception taken

PUBLIC WORKS RECOMMENDATION

A TIS may be required at development.

Typical Uses in Existing Zoning District: RS15

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	3.33	2.47	9 L	87	7	10

Typical Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	3.33	0.139 F	20,162 SF	1,440	102	560

Traffic changes between typical: RS15 and proposed CS

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+1,353	+95	+550

Maximum Uses in Existing Zoning District: RS15

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	3.33	2.47	9 L	87	7	10



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Maximum Uses in Proposed Zoning District: CS

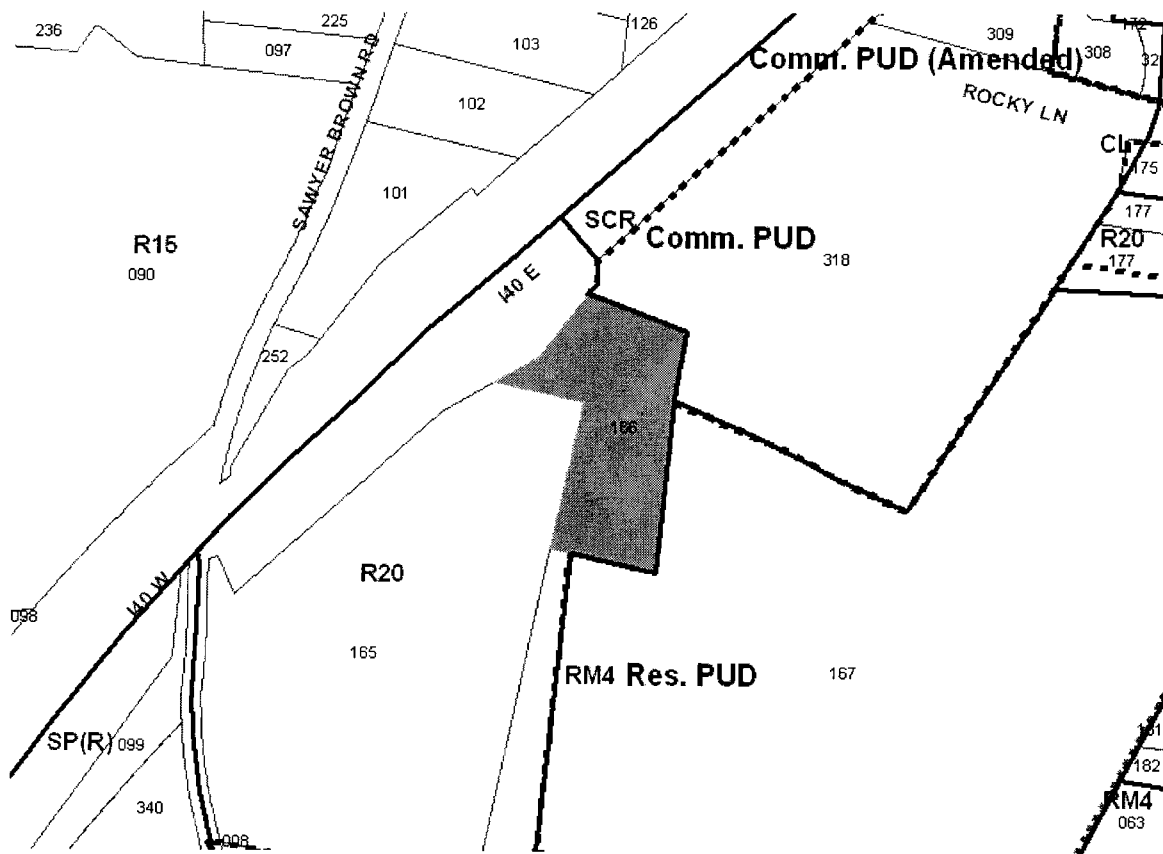
Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping center (820)	3.33	0.6 F	87,032 SF	6,205	142	580

Traffic changes between maximum: RS15 and proposed CS

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+6,118	+135	+570

STAFF RECOMMENDATION

Staff recommends disapproval of the proposed CS zoning district. The CS zoning is commercial in nature and is inconsistent with the adopted land use policies for this property that promotes low-density residential and civic land uses.



2010Z-008PR-001
 Map: 114-00 Parcel: 166
 Bellevue Community Plan
 Council District 22 – Eric W. Crafton



Project No.
Council Bill
Council District
School District
Requested by

Zone Change 2010Z-008PR-001

BL2010-671
22 – Crafton
9 – Simmons
Bancorp South, owner

Staff Reviewer
Staff Recommendation

Swaggart
Approve if the Commission directs staff to commence a housekeeping amendment to change the policy to Commercial Mixed Concentration (CMC). Disapprove if policy is not amended.

APPLICANT REQUEST

Rezoning from R20 to CS.

Rezoning

A request to rezone from One and Two-Family Residential (R20) to Commercial Service (CS) zoning property located at 7552 Sawyer Brown Road, on the south side of I-40 adjacent to Sam's Club (4.29 acres).

Existing Zoning
R20 District

R20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 2.31 dwelling units per acre including 25% duplex lots. *The R20 zoning on this site would permit approximately nine lots with two duplex lots for a total of eleven residential units.*

Proposed Zoning
CS District

Commercial Service is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

CRITICAL PLANNING GOALS

N/A

BELLEVUE COMMUNITY PLAN

Residential Low Medium (RLM)

RLM policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.

Consistent with Policy?

No. The proposed commercial zoning is not consistent with the property's residential policy. The proposed commercial zoning permits uses that conflict with the residential land use policy.



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While the policy supports residential uses, the property does not have a strong relationship with neighboring residential property, but does have a strong relationship with the adjoining commercial property. The area is very hilly and the property proposed for CS is separated from the adjacent residential area by deep valleys and steep slopes; however, the property is at grade with the existing commercial property (Sam's Club) to the north. The property to the east is within a PUD. A wide area designated as open space is between the property proposed to be rezoned and the dwelling units within the PUD, and would more than adequately buffer any future development on the site.

Because the property proposed to be rezoned to commercial is more related to the neighboring commercial area than it is to the residential area, staff could support a policy amendment. If the Planning Commission directs staff to file a housekeeping amendment to change the policy to Commercial Mixed Concentration (CMC), then staff can recommend approval of the rezoning request. CMC policy covers the property to the north, and could be logically extended to include this property.

PUBLIC WORKS RECOMMENDATION

A TIS may be required at development.

Typical Uses in Existing Zoning District: R20

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	4.29	2.31 D	9 U	87	7	10

Typical Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Strip Shopping (814)	4.29	0.066 F	12,333 SF	566	18	52

Traffic changes between typical: R20 and proposed CS

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+479	+11	+42



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Maximum Uses in Existing Zoning District: R20

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	4.29	2.31 D	9 U	87	7	10

Maximum Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	4.29	0.6	112,123 SF	7316	165	687

Traffic changes between maximum: R20 and proposed CS

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+7229	+158	+677

STAFF RECOMMENDATION

Staff recommends that the request be approved if the Commission directs staff to initiate a housekeeping amendment to change the residential policy to Commercial Mixed Concentration (CMC). Staff recommends disapproval if the Commission does not initiate the policy change.



2010Z-009PR-001

Map: 105-16 Parcels: 258, 259
 South Nashville Community Plan
 Council District 16 – Anna Page



Project No.	Zone Change 2010Z-009PR-001
Council Bill	BL2010-659
Council District	16 – Page
School District	7 – Kindall
Requested by	STS Property Group, LLC, owner
Staff Reviewer	Swaggart
Staff Recommendation	<i>Disapprove</i>

APPLICANT REQUEST

Rezone from R6 to CS.

Rezoning

A request to rezone from One and Two-Family Residential (R6) to Commercial Services (CS) zoning properties located at 336 Vivelle Avenue and Vivelle Avenue (unnumbered), approximately 195 feet east of Nolensville Pike (0.34 acres).

Existing Zoning

R6 District

R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25% duplex lots. *The R6 zoning on this site would permit two lots, each with a duplex for a total of four residential units.*

Proposed Zoning

CS District

Commercial Service is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

CRITICAL PLANNING GOALS

N/A

SOUTH NASHVILLE COMMUNITY PLAN

Neighborhood General (NG)

NG is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Consistent with Policy?

No. The proposed commercial zoning is not consistent with the property’s residential policy. The proposed commercial zoning permits uses that conflict with the residential land use policy.



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As with many areas along Nolensville Pike, the commercial zoning district is not very deep. This makes redevelopment difficult, especially for more sustainable development designs. While staff can *not* support the proposed CS zoning, staff could support an appropriate Specific Plan with a policy amendment. The residential policy would have to be amended to a non-residential or mixed-use policy and the policy and zoning would need to address transitioning between the commercial and residential areas and orientation of commercial uses to Nolensville Rd.

PUBLIC WORKS RECOMMENDATION

A TIS may be required at development.

Typical Uses in Existing Zoning District: R6

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	0.34	7.71 D	2 U	20	2	3

Typical Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Strip Shopping (814)	0.34	0.448 F	6,635 SF	322	13	38

Traffic changes between typical: R6 and proposed CS

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+302	+11	+35

Maximum Uses in Existing Zoning District: R6

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	0.34	7.71 D	2 U	20	2	3

Maximum Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Strip Shopping (814)	0.34	0.6	8,886 SF	418	15	43



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Traffic changes between maximum: R6 and proposed CS

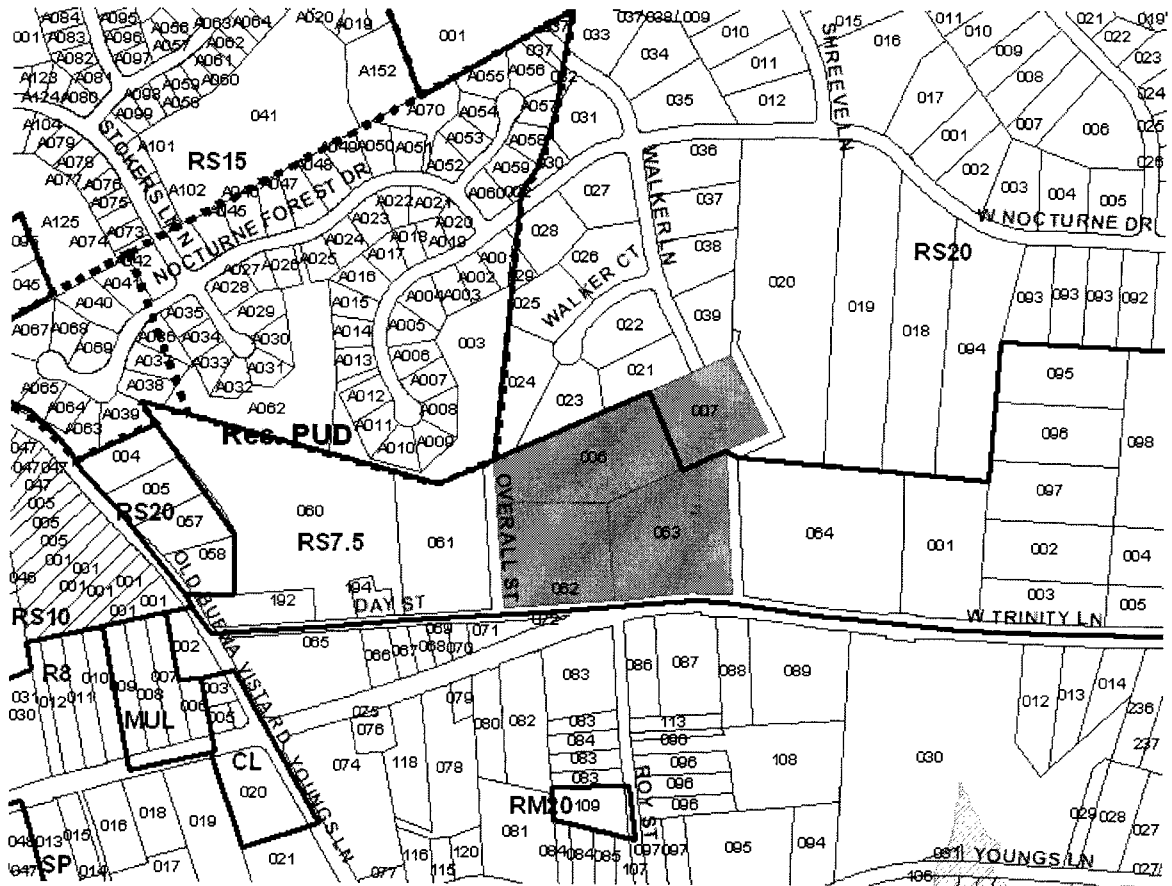
Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+398	+13	+40

STAFF RECOMMENDATION

Staff recommends that the proposed CS zoning district be disapproved. The proposed zoning district is not consistent with the area's residential land use policy. Staff could support an appropriate SP if the policy was amended to a support commercial uses.

SEE NEXT PAGE

CONCEPT PLANS





Project No.
Project Name
Council District
School Board District
Requested By

Subdivision 2007S-073U-03
Nocturne Village
2 - Harrison
1 - Gentry
Nocturne Village Investors, owner, Wamble & Associates, surveyor

Staff Reviewer
Staff Recommendation

Bernards
Approve with condition and grant a variance to Section 2-3.4.f of the Subdivision Regulations to permit a second extension to concept plan approval to May 10, 2011

APPLICANT REQUEST

Permit extension of Concept Plan approval.

Concept Plan Extension

A request to extend concept plan approval for one year to May 10, 2011, and grant an exception to Section 2-3.4.f of the Subdivision Regulations, for a 50-lot cluster subdivision on property located at Overall Street (unnumbered), 869 West Trinity Lane, and West Trinity Lane (unnumbered), at the northeast corner of West Trinity Lane and Overall Street, zoned Single-Family Residential (RS7.5) and (RS20).

Zoning

RS20 District

RS20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre.

RS7.5 District

RS7.5 requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre.

CRITICAL PLANNING GOALS

N/A

SUBDIVISION DETAILS

The concept plan for the 50 lot Nocturne Village subdivision was approved by the Planning Commission on May 10, 2007. An extension to the approval of the plan to May 10, 2010, was granted by the Planning Commission in February 2009. The applicant is requesting a second extension of the approval due to the difficulty the applicant is experiencing marketing this property. The conditions of the original approval will still apply to this plan and there have been no substantive subdivision regulation amendments that would affect the design of the subdivision.

Subdivision History

A plan for 35 single-family lots was approved on this property in August of 2006. That plan originally was

(24.00)
MICHAEL R. JACKSON
INSTRUMENT NO. 200809600008
R.O.C. TENNESSEE

(23.00)
WILLIAM R. BAILEY, ETUP
& DAVID GUYTON
INSTRUMENT NO. 20090704000204
R.O.C. TENNESSEE

(22.00)
WILLIAM R. BAILEY, ETUP
INSTRUMENT NO. 20080430000437
R.O.C. TENNESSEE

FRANK E. THOMAS SR. &
ETHEL B. THOMAS TRS
INSTRUMENT NO. 198504000001
R.O.C. TENNESSEE

(26.00)
JAMES D. ABERNATHY, ETUP
INSTRUMENT NO. 200505000005
R.O.C. TENNESSEE

2004
1806020022
HELSEB

OVERALL STREET
(NOT BUILT)

DAY STREET
(NOT BUILT)

WEST TRINITY LANE

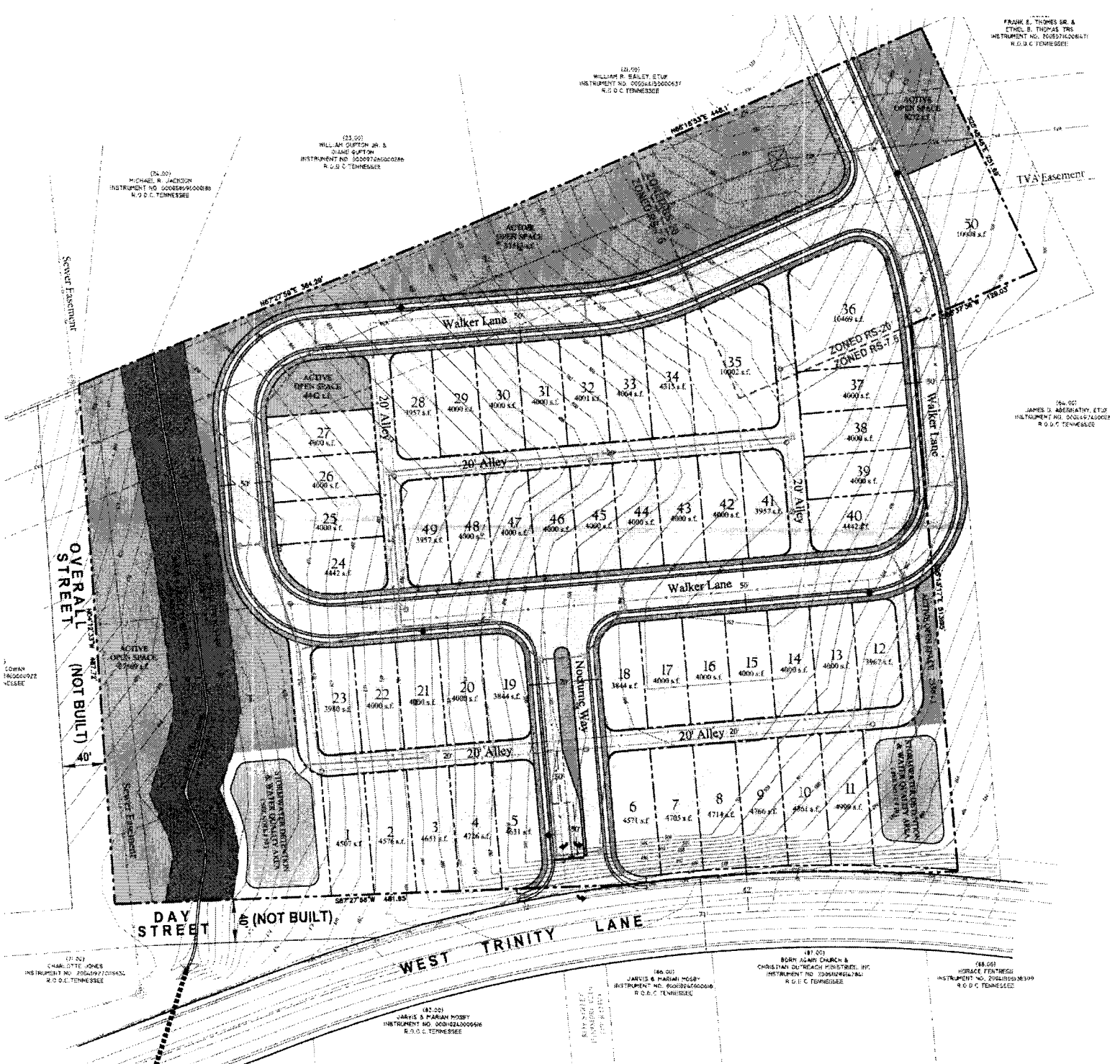
(21.00)
CHARLOTTE JONES
INSTRUMENT NO. 20040907000583
R.O.C. TENNESSEE

(82.00)
JAMES S. PARSONS, MGR
INSTRUMENT NO. 200804000004
R.O.C. TENNESSEE

(86.00)
JAMES S. PARSONS, MGR
INSTRUMENT NO. 200804000004
R.O.C. TENNESSEE

(87.00)
BORN AGAIN CHURCH &
CHRISTIAN OUTREACH MINISTRIES, INC.
INSTRUMENT NO. 200802000002
R.O.C. TENNESSEE

(88.00)
SERRACE FENTRESS
INSTRUMENT NO. 200805000009
R.O.C. TENNESSEE





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revised with the May 2007 concept plan to account for a stream buffer crossing the western boundary of the property and redesigned to eliminate double frontage lots along West Trinity Lane and lots without public street frontage. The adopted plan is well laid out with alley access and needed street connections. Prior to the May 2010 expiration of the Concept Plan, the applicant requested a one year extension for the approval of the plan which was granted by the Planning Commission

Section 2-3.4.f

The Subdivision Regulations provide for an extension of one additional year for a concept plan:

- f. *Effective Period of Concept Plan Approval.* The approval of a concept plan of a minor subdivision shall be effective for a period of one year and the approval of a concept plan for a major subdivision shall be effective for two years from the date of Planning Commission Approval. Prior to the expiration of the concept plan approval, such plan approval may be extended for one additional year upon request and if the Planning Commission deems such extension appropriate based upon progress made in developing the subdivision.

In order for the applicant to receive a second extension, the Planning Commission must grant a variance.

Variance Requirements

Section 1-11.1 of the Subdivision Regulations states that the Planning Commission may grant variances to the regulations when it finds that extraordinary hardships or practical difficulties may result from strict compliance with the regulations, provided that the variance does not nullify the intent and purpose of the regulations. It further states that findings shall be based upon the evidence presented in each specific case that:

- a. The granting of the variance shall not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- b. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
- c. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would



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result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.

- d. The variance shall not in any manner vary from the provisions of the adopted General Plan, including its constituent elements, the Major Street Plan, or the Zoning Code for Metropolitan Nashville and Davidson County (Zoning Code).

ANALYSIS

The intent of the regulation for which the variance is sought is to set a timeframe for approval of a Concept Plan. An extension to the Concept Plan was approved by the Planning Commission in February 2009 with a new expiration date of May 10, 2010.

The granting of the variance will not nullify the intent of the regulation. In addition, staff finds the following as evidence for this variance consistent with Section 1-11.1, a – d above:

- a. The granting of the variance would not be detrimental to the surrounding area, but would provide needed street connections.
- b. There are no other subdivisions in the immediate area that are experiencing the same situation, and therefore, the conditions for which this variance is sought are unique to this development within this general area.
- c. The variance is not to a design standard of the regulations, but to a processing standard. Because the request is not a variance to a design standard then c. of Section 1-11.1 is not applicable.
- d. The subdivision as previously approved is consistent with the area's long range policy, and current zoning requirements.

STAFF RECOMMENDATION

Staff recommends approval of the variance to Section 2-3.4.f of the Subdivision Regulations and that approval of the Concept Plan for Nocturne Village be extended for one year to May 10, 2011, with the condition that all conditions of the May 10, 2007, approval of this concept plan remain with the extension.

CONDITION

1. All conditions of the May 10, 2007, approval of this concept plan remain with the extension.

FINAL PLAT SUBDIVISIONS



2009S-027-001
Poplar Hill Subdivision (Final Plat Extension #2)
Map: 154-00 Parcel: 282
Bellevue Community Plan
Council District 35 – Bo Mitchell



Project No.
Project Name
Council District
School Board District
Requested By

Subdivision 2009S-027-001
Poplar Hill Subdivision
35 - Mitchell
9 - Simmons
Wyatt and Wendy Rampy, owners

Staff Reviewer
Staff Recommendation

Bernards
Approve a variance to 2-5.5 of the Subdivision Regulations for the extension of final plat approval for 90 days to June 20, 2010.

APPLICANT REQUEST

Permit the extension of a final plat approval.

Variance for Final Plat Extension

A request for a variance from Section 2-5.5 of the Subdivision Regulations to permit the extension of the final plat approval for 90 days for the Poplar Hill Subdivision for one lot at 8706 Poplar Creek Road, zoned Agricultural/Residential (AR2a) (7.1 acres).

Zoning
AR2a District

Agricultural/Residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a District is intended to implement the natural conservation or rural land use policies of the general plan.

CRITICAL PLANNING GOALS

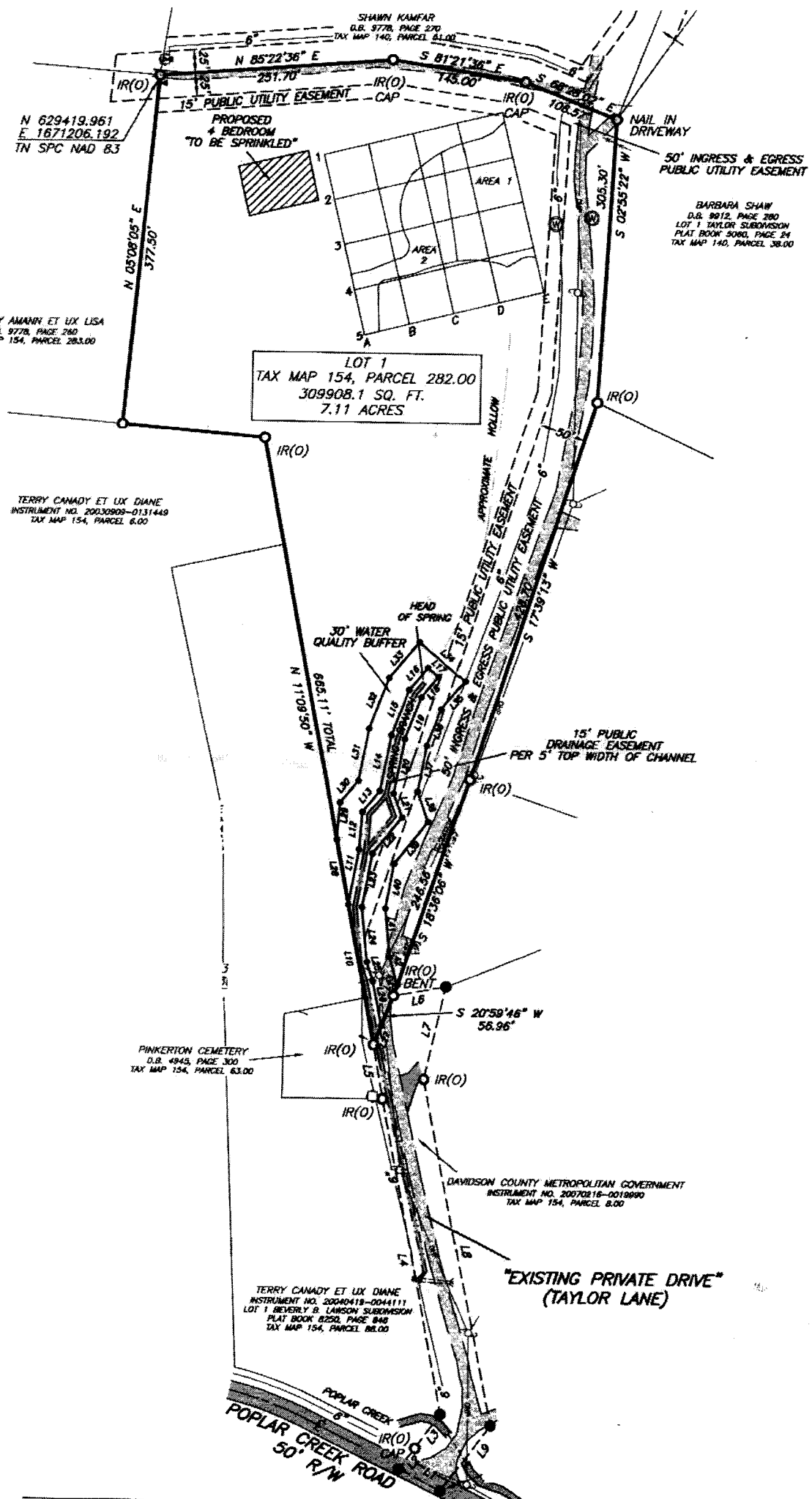
N/A

SUBDIVISION DETAILS

The purpose of the extension request is to permit the applicant to meet the Planning Commission's conditions of approval for this seven acre lot.

The lot is within a Natural Conservation Policy and is accessed from a private road within an access easement. The Subdivision Regulations allow up to 10 lots, five acres or greater, within the Natural Conservation or Rural land use polices, to be accessed from a private street (Section 3-9.3.c.1). As this will be the 13th improved property to take access from this private street, the Planning Commission granted a variance to Section 3-9.3.c.1 of the Subdivision Regulations on June 25, 2009.

The applicant agreed to construct a private street in the access easement to Metro standards (20 feet of pavement with two four-foot shoulders). The street will extend from Poplar Creek Road to the point where it meets the access driveway for the property. Construction plans have been approved by Public Works. The road, which will be on the



N 629419.961
E 1671206.192
TN SPC NAD 83

JEFFREY AMANN ET UX LISA
D.B. 9778, PAGE 260
TAX MAP 154, PARCEL 283.00

TERRY CANADY ET UX DIANE
INSTRUMENT NO. 20030909-0131449
TAX MAP 154, PARCEL 6.00

PINKERTON CEMETERY
D.B. 4945, PAGE 300
TAX MAP 154, PARCEL 63.00

TERRY CANADY ET UX DIANE
INSTRUMENT NO. 20040419-0044111
LOT 1 BEVERLY B. LAMSON SUBDIVISION
PLAT BOOK 8220, PAGE 848
TAX MAP 154, PARCEL 88.00

SHAWN KAMFAR
D.B. 9778, PAGE 270
TAX MAP 140, PARCEL 81.00

50' INGRESS & EGRESS
PUBLIC UTILITY EASEMENT

BARBARA SHAW
D.B. 8812, PAGE 280
LOT 1 TAYLOR SUBDIVISION
PLAT BOOK 5080, PAGE 24
TAX MAP 140, PARCEL 38.00

LOT 1
TAX MAP 154, PARCEL 282.00
309908.1 SQ. FT.
7.11 ACRES

"EXISTING PRIVATE DRIVE"
(TAYLOR LANE)

DAVIDSON COUNTY METROPOLITAN GOVERNMENT
INSTRUMENT NO. 20070818-0019890
TAX MAP 154, PARCEL 8.00

POPLAR CREEK
IR(O)
50' R/W

30' WATER
QUALITY BUFFER

15' PUBLIC
DRAINAGE EASEMENT
PER 5' TOP WIDTH OF CHANNEL

APPROXIMATE
MOLLOWS

15' PUBLIC UTILITY EASEMENT

6" PUBLIC UTILITY EASEMENT

6" INGRESS & EGRESS

30' INGRESS & EGRESS

15' PUBLIC UTILITY EASEMENT

6" INGRESS & EGRESS

30' INGRESS & EGRESS

15' PUBLIC UTILITY EASEMENT

6" INGRESS & EGRESS

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applicant's property and a parcel of land currently owned by Metro, needs to be constructed or bonded prior to the recording of the plat.

The applicant is in the process of obtaining a performance bond, however, because they do not own all of the property, they cannot complete the process. Metro has declared its parcel surplus and is in the process of selling the property and does not want to be a party to the bond. Initially, the estimated time for the property to go through Metro's surplus property process was six weeks. At this point, the property is one of three included in BL2010-643, which had second reading on March 16, 2010, and is scheduled for third reading on April 6, 2010. It is the applicant's intention to bid for the property. As the plat expiration date was March 22, 2010, the applicant requested a second 90 day extension in order to bid on the property and complete the bond process. As the Subdivision Regulations do not include a process for final plat approval extensions, a variance to the 180 day approval period is needed.

Variance Requirements

Section 1-11.1 of the Subdivision Regulations states that the Planning Commission may grant variances to the regulations when it finds that extraordinary hardships or practical difficulties may result from strict compliance with the regulations, provided that the variance does not nullify the intent and purpose of the regulations. It further states that findings shall be based upon the evidence presented in each specific case that:

- a. The granting of the variance shall not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- b. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
- c. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.
- d. The variance shall not in any manner vary from the provisions of the adopted General Plan, including its constituent elements, the Major Street Plan, or the Zoning Code for Metropolitan Nashville and Davidson County (Zoning Code).



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ANALYSIS

The intent of the regulation for which the variance is sought is to set a timeframe for approved plats to be recorded. The plat was approved by the Planning Commission on June 25, 2009, with an expiration date of December 22, 2009. Prior to the expiration date, the applicant requested a 90 day extension of the approval in order to be able to meet conditions 1 and 3 of approval of this plat. The applicant needs a second 90 day extension in order to accommodate the Metro process for selling surplus property.

1. *The private road shall be brought up to Metro Public Works standards from Poplar Creek Road to the point where it intersects with the access drive serving this lot.*
3. *The road shall be constructed or bonded prior to the recording of the plat. Upon completion of the road, the road shall be inspected by Public Works or the applicant shall obtain a letter from a registered engineer certifying that the road has been constructed to Public Works standards.*

The granting of the variance will not nullify the intent of the regulation. In addition, staff finds the following as evidence for this variance consistent with Section 1-11.1, a – d above:

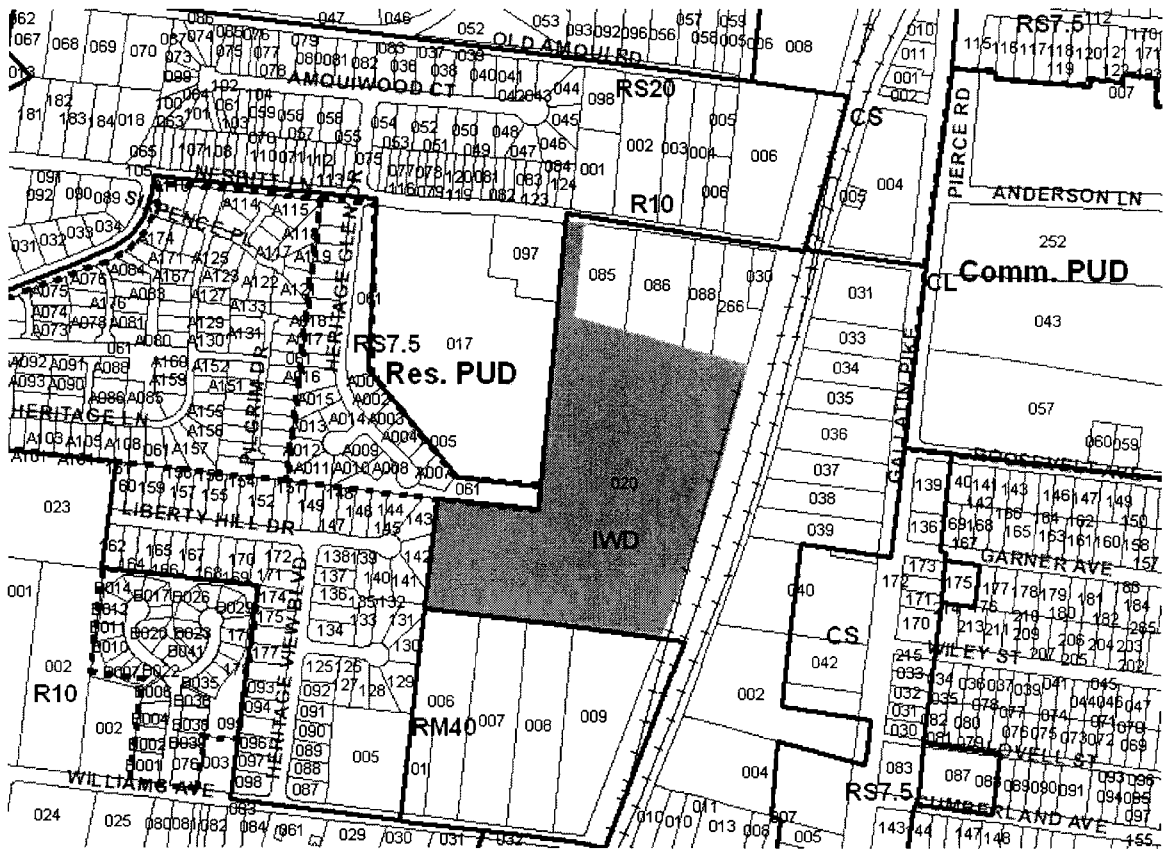
- a. The granting of the variance would not be detrimental to the surrounding area, but would actually improve the area as the portion of the road being brought up to Public Works standards will serve all lots taking access from this private street.
- b. There are no other subdivisions in the immediate area that are experiencing the same situation, and therefore, the conditions for which this variance is sought are unique to this development within this general area.
- c. The variance is not to a design standard of the regulations, but to a processing standard. Because the request is not a variance to a design standard then c. of Section 1-11.1 is not applicable.
- d. The subdivision as previously approved is consistent with the area's long range policy, and current zoning requirements.



Metro Planning Commission Meeting of 4/8/2010

STAFF RECOMMENDATION

Staff recommends approval of the variance to Section 2-5.5, and that the final plat approval be extended for 90 days to June 20, 2010.



2010S-018-001
 LMP Madison LLC Property
 Map: 042-08 Parcel: 020
 Madison Community Plan
 Council District 4 – Michael Craddock



Metro Planning Commission Meeting of 4/8/2010

Item #6

Project No.
Project Name
Council District
School District
Requested by

Subdivision 2010S-018-001
LMP Madison LLC Property
4 - Craddock
3- North
LMP Madison LLC, owner, Crawford & Cummings P.C.,
surveyor

Staff Reviewer
Staff Recommendation

Bernards
Approve with condition

APPLICANT REQUEST

Create three lots.

Final Plat

A request for final plat approval to create three lots on property located at 211 Nesbitt Lane, approximately 700 feet north of Williams Avenue (15.27 acres), zoned Industrial Warehousing/Distribution (IWD).

ZONING
IWD District

Industrial Warehousing/Distribution is intended for a wide range of warehousing, wholesaling, and bulk distribution uses.

CRITICAL PLANNING GOALS

N/A

PLAN DETAILS

The applicant is requesting final plat approval for a three lot industrial subdivision. The lots are accessed from Nesbit Lane via 50 foot access easement that runs the length of the property. There are three industrial buildings on the property and each new lot will contain one building. The Madison Community Plan includes a future roadway connection through this property. The 50 foot access easement included in this subdivision will keep this connection available should these properties redevelop over time.

PUBLIC WORKS
RECOMMENDATION

No exception taken.

STORMWATER
RECOMMENDATION

Approved

MADISON SUBURBAN
WATER DISTRICT
RECOMMENDATION

Owner/developer has not submitted the requested construction plans for review.

STAFF RECOMMENDATION

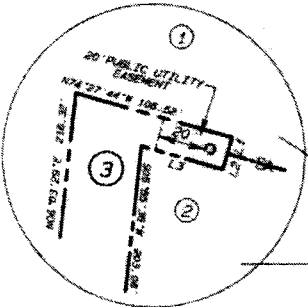
Staff recommends approval with a condition.

30 RESERVED FOR FUTURE RIGHT-OF-WAY
HERSHITT LAKE (100' R.O.W.)

(197.00)
CADENCE BANK
INSTR. NO. 200912070112055, R.O.D.C.

50' NASHVILLE GAS COMPANY EASEMENT
BOOK 1939, PAGE 555, R.O.D.C.
BOOK 6160, 527, R.O.D.C.

(17.00)
NASHVILLE PUBLIC RADIO
INSTR. NO. 200204040041383, R.O.D.C.



DETAIL
N.T.S.

HERITAGE GLEN P.U.D.
PLAT BOOK 6900, PAGE 581, R.O.D.C.

10' P.U.D. EASEMENT
PLAT BOOK 6900, PAGE 581, R.O.D.C.

383' 18' 08" E 338.99'

EXISTING BUILDING TO REMAIN
135,870 SQ. FT. ±

(189)
AREA: 127,175± SQ. FT.
OR 2.98± ACRES

MAP 42-12 PARCEL 5.00
DEED BOOK 7828, PAGE 31A, R.O.D.C.

MAP 42-12 PARCEL 7.00
B.P. ELIAS MADISON
LORD AND 2473 TRS
DEED BOOK 4628, PAGE 788, R.O.D.C.

MAP 42-12 PARCEL 8.00
B.P. ELIAS MADISON
LORD AND 2473 TRS
DEED BOOK 4628, PAGE 788, R.O.D.C.

MAP 42-12 PARCEL 9.00
J.M. STOUT, ET UX
DEED BOOK 1539, PAGE 21, R.O.D.C.

EXISTING BUILDING TO REMAIN
136,490 SQ. FT. ±

(020)
AREA: 296,322± SQ. FT.
OR 6.82 ACRES

EXISTING BUILDING TO REMAIN
135,870 SQ. FT. ±

(188)
AREA: 298,510± SQ. FT.
OR 6.12± ACRES

CSX RAILROAD CHARTER WIDTH
RIGHT OF WAY AND TRACK MAP NO. 10
LOUISVILLE AND NASHVILLE, L.P. CO.
JUNE 30, 1987

SEE NOTE # 15

POST-MILE
SA





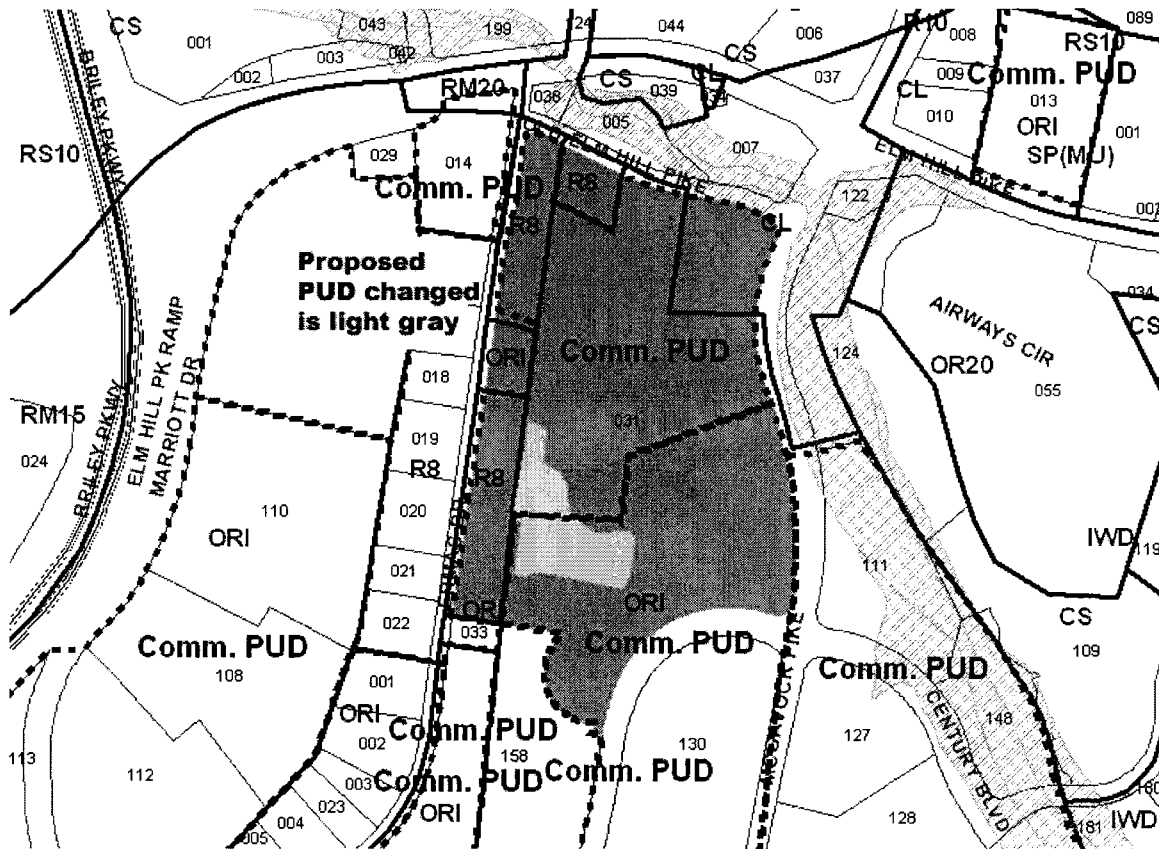
Metro Planning Commission Meeting of 4/8/2010

CONDITION

1. Prior to the recordation of the plat, the requirements of the Madison Suburban Water District shall be met.

SEE NEXT PAGE

REVISED SITE PLAN



177-74P-001
 Century City West (One Century Place Parking Revision)
 Map: 095-00 Parcel: 031
 Donelson/Hermitage/Old Hickory Community Plan
 Council District 15 – Phil Claiborne



Project No.
Project Name

Planned Unit Development 177-74P-001
Century City West (One Century Place
Parking Revision)

Council District
School District
Requested by

15 – Claiborne
4 – Glover
Civil Site Design Group, PLLC, applicant, for Wells Reit-
One Century Place LLC, owner

Staff Reviewer
Staff Recommendation

Swaggart
Approve with conditions

APPLICANT REQUEST

Revise PUD and final site plan to permit additional parking.

PUD Revision and Final

A request to revise the preliminary plan and for final approval for a portion of the Century City West Commercial Planned Unit Development located at 26 Century Boulevard, approximately 400 feet south of Elm Hill Pike, zoned One and Two-Family Residential (R8) and Office/Residential Intensive (ORI) (28.37 acres), to permit a parking lot expansion.

CRITICAL PLANNING GOALS

N/A

REQUEST DETAILS

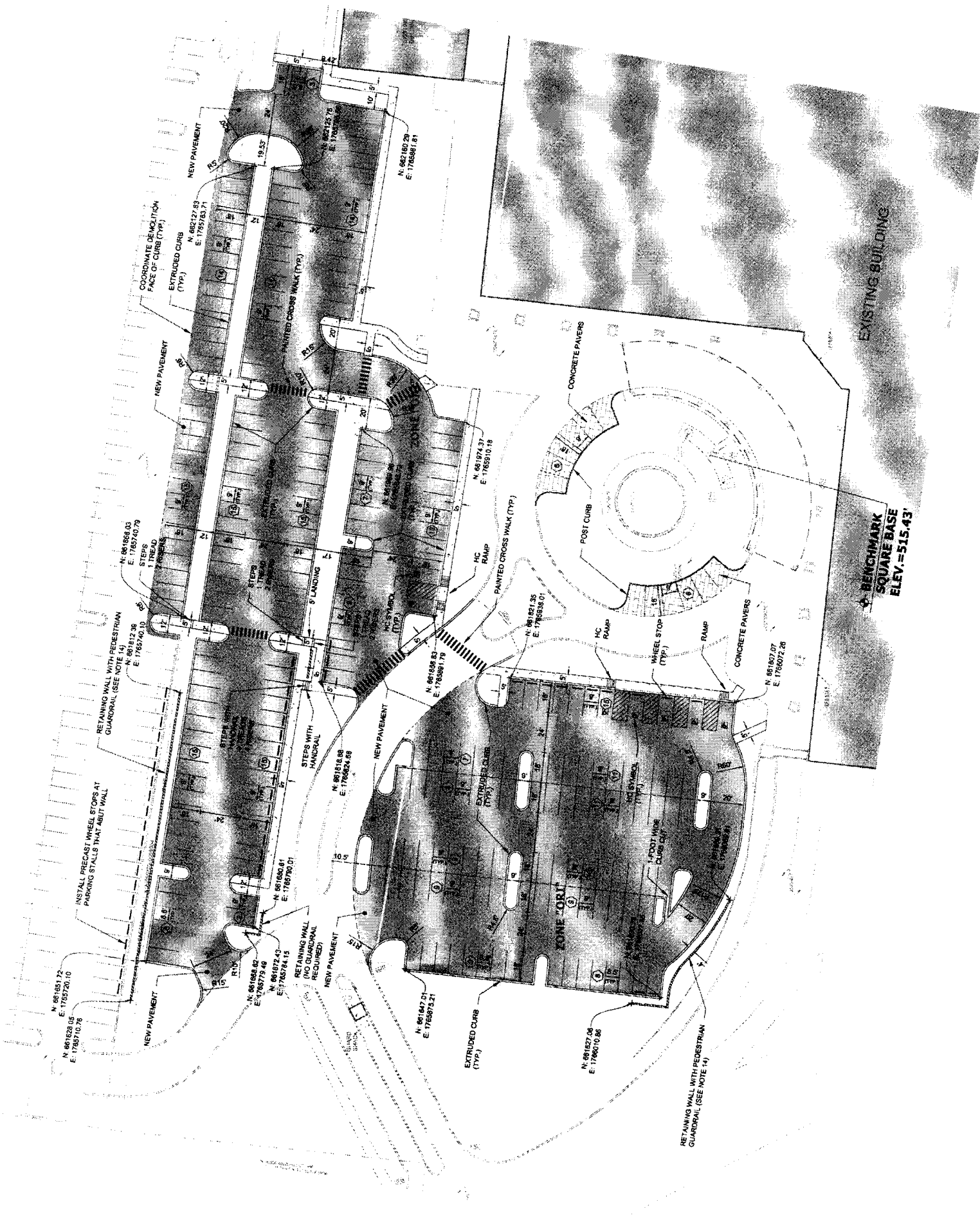
The request is to revise the last approved preliminary plan for a portion of the Century City West Commercial Planned Unit Development. The site is currently developed and this request does not propose any changes to the existing building on the site.

As proposed the plan will provide an additional 200 parking spaces by rearranging the grounds immediately adjacent to the existing building. This will bring the total number of parking spaces from 2,170 to 2,370. According to the plan, the proposed increase in parking spaces is to attract a new corporate tenant who requires more parking.

Staff has no concerns with the proposed request. The request does not propose any major changes to the PUD, and as proposed, meets all zoning requirements.

PUBLIC WORKS
RECOMMENDATION

No Exceptions Taken



EXISTING BUILDING

BENCHMARK
SQUARE BASE
ELEV.=515.43'

N. 851831.72
E. 1785720.10
N. 851828.05
E. 1785710.78

N. 851868.03
E. 180740.79
N. 851812.38
E. 1785740.10

N. 851900.81
E. 1785790.01

N. 851850.42
E. 1785775.48
N. 851872.43
E. 1785784.15

N. 851847.01
E. 1785873.21

N. 851827.06
E. 1786010.86

N. 851858.83
E. 1785817.9

N. 851821.35
E. 1785838.01

N. 851822.37
E. 1785910.76

N. 852125.76
E. 1785825.81
N. 852167.29
E. 1785861.81

N. 851807.07
E. 1786072.26



Metro Planning Commission Meeting of 4/8/2010

STORMWATER RECOMMENDATION

Approve with the following conditions:

1. Provide the local FEMA Map information, the Community Map Number, and Date on the plans.
2. Pipe material was not called on Plan Sheet C2.00. A Mannings n value of 0.013 and 0.012 was used in the design calculations.
3. Check pipe sizes on plans and from design calculations. Pipe A16-A15 is listed as 18-inch diameter on the plans and as 24-inch diameter in the calculations.
4. Add a note to the plans stating that buffer signs are required – location to be determined during pre-con by NPDES.
5. MWS criteria for Wet Ponds require an outlet pond drain value. *Otherwise provide the drainage protocol in the Long Term Maintenance Plan.*
6. Register of Deeds for the Long Term Maintenance Plan will be \$5 per page plus \$7.
7. A Dedication of Easement will be required for the proposed Wet Pond. Register of Deeds fees will be \$5 per page plus \$2.

STAFF RECOMMENDATION

Staff recommends that the request be approved with conditions. The request does not propose any major changes, and meets all requirements of the Zoning Code.

CONDITIONS

1. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
3. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro

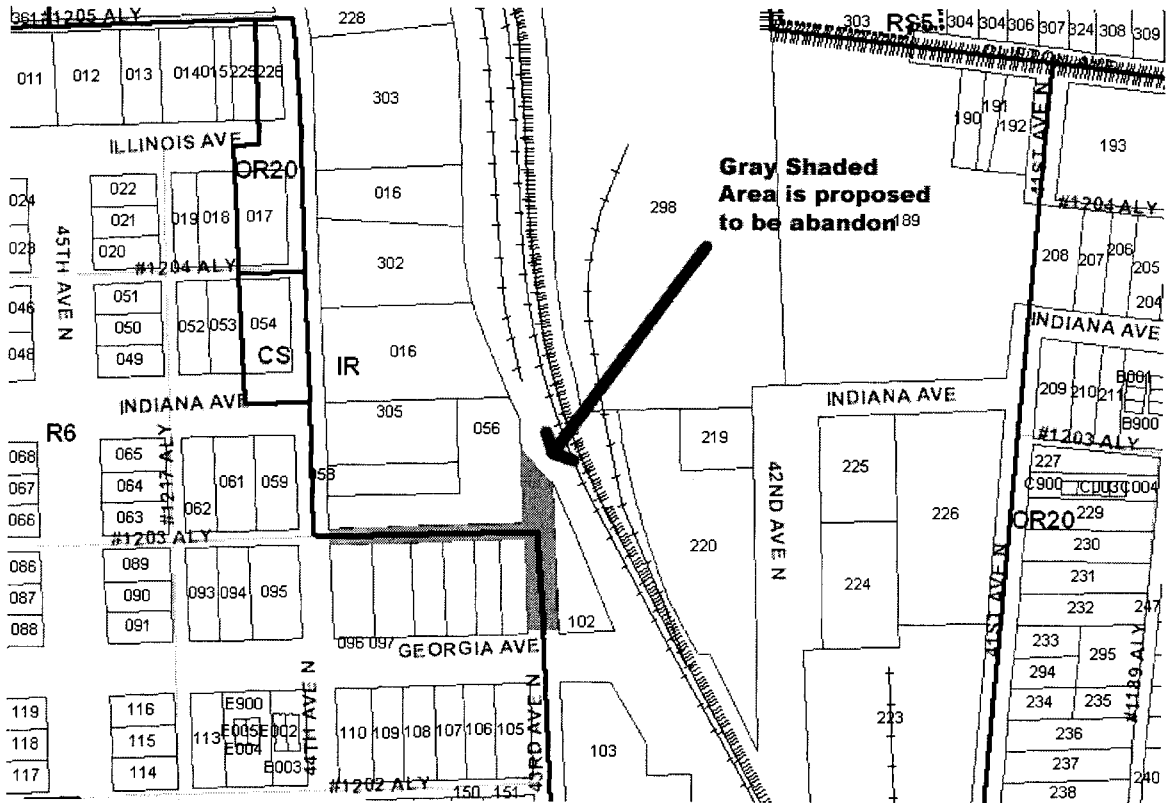


Metro Planning Commission Meeting of 4/8/2010

Council directs the Metro Planning Commission to review such signs.

4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
6. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.
7. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

MANDATORY REFERRALS



2010M-003AB-001

Portion of 43rd Ave. N. & Alley #1203 Abandonment
 Map: 091-12 Parcels: 055, 056, 096, 097, 098, 099, 100, 101, 102
 West Nashville Community Plan
 Council District 20 – Buddy Baker



Project No.
Project Name

Mandatory Referral 2010M-003AB-001
Abandon a Portion of 43rd Ave. N. and Alley #1203

Council District
School District
Requested by

20 - Baker
1 - Gentry
Councilmember Buddy Baker, applicant, for James R. Hunter and RCG Group LLC, owners.

Staff Reviewer
Staff Recommendation

Leeman
Disapprove

APPLICANT REQUEST

Abandon portions of 43rd Avenue N and Alley #1203

Alley and Street Abandonment

A request to abandon a portion of 43rd Avenue North, from Georgia Avenue northward to its terminus, and a portion of Alley #1203 east of 44th Avenue North to its terminus (easements to be retained).

CRITICAL PLANNING GOALS

N/A

REASON FOR CLOSURE

The application states the reason for the closure is “to eliminate dumping of trash, tree limbs and tires.” The applicant has also indicated that this will allow the adjacent property owner to consolidate the adjacent parcels and rezone the parcels from residential to industrial.

Alley/ Road Length

Alley #1203 is approximately 310 feet in length with six vacant residential lots fronting Georgia Avenue.

The portion of 43rd Avenue North proposed to be closed is approximately 300 feet in length extending from Georgia Avenue to its northern terminus.

DEPARTMENT AND AGENCY COMMENTS

Planning

While there are currently no homes built on the six residential lots served by Alley #1203, alleys are an important structural element to the transportation network in this area of West Nashville. These facilities, as well as streets, bikeways, sidewalks and pedestrian ways directly affect mobility to and from the community and within it. Providing an opportunity for any future homes to have alley access will also serve to enhance the pedestrian realm along Georgia Avenue in the future by creating an urban streetscape with front porches and windows on the street. Since these six residential properties back up to an existing industrially zoned area, garages in the rear and accessed via the alley provide additional buffering.



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West Nashville Community Plan

It is premature to close the alley as long as the six residential lots still exist and until the residential properties are zoned industrial.

The West Nashville Community Plan policy for this area is T4 Urban Neighborhood Maintenance, which would call for the maintenance of the existing character in this area, including supporting alleys for residential development. The plan states that alleys are the preferred form of access in urban neighborhoods.

Public Works

Public Works is recommending approval.

NES

NES is recommending approval with a condition to retain easement rights.

Emergency Communications Center (ECC)

The ECC is recommending approval.

Water Services

Water Services is recommending approval with a condition that all easement rights are retained for water and sewer lines in the right-of-way.

STAFF RECOMMENDATION

Staff recommends disapproval of the request to abandon Alley 1203 and a portion of 43rd Avenue North which serves as access to the alley.